

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

JENNIFER VANDERSTOK *et al.*,

Plaintiffs,

v.

MERRICK GARLAND, in his official
capacity as Attorney General of the United
States *et al.*,

Defendants.

Case No. 4:22-cv-00691-O

**DEFENDANTS' UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE
ANSWER TO DEFENSE DISTRIBUTED AND SECOND AMENDMENT
FOUNDATION'S COMPLAINT IN INTERVENTION**

Defendants respectfully seek leave from the Court to extend the time for them to file their answer to Intervenor-Plaintiffs Defense Distributed and Second Amendment Foundation's (Intervenors) complaint in intervention until after the Court has resolved Intervenors' motions for preliminary injunctive relief and for summary judgment (ECF Nos. 163, 165). In support of this motion, Defendants state the following:

1. Intervenors filed their complaint in intervention on December 23, 2022 (ECF No. 143). Under the Federal Rules of Civil Procedure, a response to the complaint in intervention is due on or before February 21, 2023.

2. Because the parties are presently engaged in summary judgment briefing, the utility of an answer to Intervenors' complaint would be minimal at best. This is particularly true because this case involves claims asserted under the Administrative Procedure Act, and such cases rarely turn on any factual disputes between the parties.

3. Neither the original Plaintiffs nor Intervenor-Plaintiffs oppose the relief sought in this motion.

4. Accordingly, Defendants respectfully request that the Court extend the time for them to file their answer to Intervenor's complaint until after the Court has resolved Intervenor's motions for preliminary injunctive relief and for summary judgment. A proposed order accompanies this motion.

DATED: February 10, 2023

Respectfully submitted,

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General

ALEXANDER K. HAAS
Director, Federal Programs Branch

LESLEY FARBY
Assistant Director, Federal Programs Branch

/s/ Daniel Riess
DANIEL RIESS
MARTIN M. TOMLINSON
TAISA M. GOODNATURE
Trial Attorneys
Civil Division, Federal Programs Branch
U.S. Department of Justice
1100 L Street, NW
Washington, DC 20005
Phone: (202) 353-3098
Email: Daniel.Riess@usdoj.gov
Attorneys for Defendants

CERTIFICATE OF CONFERENCE

I certify that I have conferred with Plaintiffs' counsel to obtain their position on this motion. Both the original Plaintiffs (Jennifer VanDerStok; Michael G. Andren; Tactical Machining, LLC; and Firearms Policy Coalition, Inc.) and intervenor-plaintiffs (BlackHawk Manufacturing Group, Inc.;

Defense Distributed; and Second Amendment Foundation, Inc.) stated that they do not oppose the relief sought in this motion.

/s/ Daniel Riess

CERTIFICATE OF SERVICE

On February 10, 2023, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all parties electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Daniel Riess